(b) if so, the details of the specific proposals in this regard; and

(c) whether any changes in election system, especially with regard to selection of candidates by the political parties, is also under consideration?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. C. THOMAS): (a) and (b) Yes, Sir. The Representation of the People (Amendment) Bill, 2001, passed by the Rajya Sabha on 8-4-2003 and by the Lok Sabha on 18-8-2003, assented to by the President on 28-8-2003 as the Representation of the People (Amendment) Act, 2003, has provided for introducing open ballot system in place of the existing secret ballot system in elections to the Council of States and for doing away with the requirement of residence of a particular State for contesting these elections from the State. An all party meeting was thereafter convened on 29-10-2003 to, *inter alia,* discuss the proposed scheme of open ballot with a view to incorporating suitable provisions in the Conduct of Elections Rules, 1961 to authorize the political parties (either through the concerned candidates or election agents otherwise) to inspect ballot papers of their respective members while being put in the ballot boxes and also within the specified period after the counting is over. Based on the consensus arrived in the meeting, the draft rules have been prepared and have been forwarded to Election Commission of India for its comments/views.

(c) No, Sir.

Exclusion of MPs from the list of public servants

597. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have any proposal to bring forward a legislation to exclude Members of Parliament from the list of public servants whose conduct can be probed into by vigilance agencies in corruption cases;

(b) if so, the details thereof and the reasons therefor;

(c) whether any alternative agency is likely to be put in place for the purpose; and

(d) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. C. THOMAS): (a) to (d) The information is being collected and will be laid on the Table of the House.

Setting up of Fast Track Courts

598. DR. A.R. KIDWAI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court has critised 14 States which have defaulted in setting up of the requisite number of Fast Track Courts despite procuring full Central grant for the purpose;

(b) whether the Supreme Court had given six-week deadline in September, 2003 to establish the requisite number of FTCs and had warned the defaulting States to 'either do it now or face the consequences' of refunding the Central grant;

(c) if so, the latest position in this regard;

(d) the difficulties faced by them; and

(e) whether Supreme Court's order of refunding Central grant has been implemented by them or not?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. C. THOMAS): (a) and (b) The Supreme Court in its order dated 3.11.2003 in the case of Brij Mohan Lal vs. Union of India & Others has criticised 12 States, namely the States of Andhra Pradesh Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Orissa, Punjab and West Bengal for not setting up requisite number of Fast Track Courts and directed these states to make appointment of judges to remaining Fast Track Courts by 31st December, 2003. In case of default it may consider asking these states to refund the grant received by them from the Central Government.

(c) The deadline fixed by the Supreme Court has been communicated to the concerned State Governments for compliance.

(d) Among other things, finding accommodation for setting up of Fast Track Courts has been a major difficulty faced by the States.

(e) The Supreme Court has given deadline up to 31st December, 2003 for the States failing which it may consider asking the States to refund the grant received by them from the Central Government.